



DELTA STEWARDSHIP COUNCIL

A California State Agency

980 NINTH STREET, SUITE 1500
SACRAMENTO, CALIFORNIA 95814
HTTP://DELTACOUNCIL.CA.GOV
(916) 445-5511

December 11, 2017

Chair
Randy Fiorini

Edward Hard, Chief Environmental Program Manager I
California Department of Parks and Recreation
1 Capitol Mall Suite 410
Sacramento, CA 95616

Members
Frank C. Damrell, Jr.
Patrick Johnston
Susan Tatayon
Skip Thomson
Ken Weinberg
Michael Gatto

Executive Officer
Jessica R. Pearson

Via email: Edward.Hard@parks.ca.gov

RE: Draft Programmatic Environmental Impact Report for the Aquatic Invasive Plant Control Program, SCH#2017082031

Dear Mr. Hard:

Thank you for the opportunity to review and comment on the Draft Programmatic Environmental Impact Report (Draft PEIR) for the Aquatic Invasive Plant Control Program (AIPCP). The Delta Stewardship Council (Council) hopes that this letter will provide further clarification since our second early consultation meeting October 19th. We appreciate and recognize many of the additions made in response to our suggestions. The Council supports AIPCP's efforts to manage aquatic invasive species in the Sacramento-San Joaquin Delta while minimizing environmental and ecosystem impacts. The Council recognizes the impact of aquatic invasive plants on the Delta ecosystem, and the importance of their management, as demonstrated through our recommendations, policies, strategies, and performance measures addressing invasive species within Chapter 4 of the Delta Plan.

Comments on the Draft Programmatic Environmental Impact Report

Based on the available information from the Draft PEIR, we offer the following suggestions and recommendations for your consideration as you develop the Final PEIR.

Regulatory Setting: The Council appreciates the inclusion of the Delta Reform Act language and the Delta Plan certification requirement per Water Code section 85225.

AIPCP Adaptive Management Plan: The Council appreciates the Draft PEIR's description of the AIPCP's adaptive management approach, including detailing how the program will perform the three phases and nine steps of the Council's Adaptive Management Framework as described in the Delta Plan Appendix 1B.

"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place."

– CA Water Code §85054

Exhibit 7-1 Overview of Six Key California Water, Delta, and AIS Planning Efforts Related to the AIPCP: The Council recommends the following;

- Remove language: “Performance measures for the Delta Plan published in September 2016”.
- Please include edit, “Following the Delta Stewardship Council’s adoption of refined output and outcome performance measures in February 2016, work to implement and further refine the performance measures has occurred, including: data sheet development and updates, external subject matter expert reviews, and a public workshop on the proposed refinements. As a result of the post-February 2016 evaluation process described above, many of the proposed performance measure have undergone significant changes and are currently in the process of environmental review prior to amendment into the Delta Plan. This includes proposed performance measure 4.10 *Prevention and reduction of key nonnative terrestrial and aquatic invasive species in the Delta and Suisun Marsh*.
- Please correct under “Relationship to AIPCP”, Performance Measures include:
 - Four Administrative measures:
 - 100% of all proposed actions that have the reasonable probability of introducing, or improving the habitat conditions for, nonnative invasive species have demonstrated that the potential for new introductions of and/or improved habitat conditions for nonnative invasive species have been fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.
 - The Department of Fish and Wildlife develops for consideration by the Fish and Game Commission proposals for new or revised fishing regulations designed to increase populations of listed fish species through reduced predation by introduced sport fish.
 - The Department of Fish and Wildlife and other appropriate agencies prioritize the list of “Stage 2 Actions for Nonnative Invasive Species.”
 - The Department of Fish and Wildlife and other appropriate agencies fully implement the 2014 Ecosystem Restoration Program “Conservation Strategy” list for Strategic Goal 5.
 - One Outcome measure (proposed language for Delta Plan Amendment)
 - Prevention and reduction of key nonnative terrestrial and aquatic invasive species in the Delta and Suisun Marsh.
 - Two Outcome measures (current language from the Delta Plan)

- Progress toward managing aquatic and terrestrial invasive nonnative species in the Delta over the next decade. Long-term animal and plant monitoring surveys will be conducted by the Interagency Ecological Program agencies, the California Department of Boating and Waterways, the U.S. Department of Agriculture, the San Francisco Estuary Institute, and others.
- Trends in the spatial distribution and coverage of nuisance nonnative aquatic plants Delta.

For more information regarding existing Delta Plan performance measures, please refer to this link: http://deltacouncil.ca.gov/sites/default/files/2017/07/16-0225_amended_App_E.pdf. For more information regarding proposed Delta Plan performance measures, please refer to this link: <http://deltacouncil.ca.gov/sites/default/files/2017/06/170622-Item-10-Attachment-1.pdf>.

The Council would also appreciate that the Final PEIR consider the Delta Plan Recommendations **WQ R1** Protect Beneficial Uses and **WQ R3** Special Water Quality Protections. Please see the Delta Plan policies and recommendations below for more information.

Delta Plan Policies

The Delta Plan includes 14 regulatory policies that are applicable to all covered actions. To better support your Certification of Consistency, we encourage you to revisit the following Delta Plan policies before filing:

Mitigation Measures: Delta Plan Policy **G P1** (23 Cal. Code Regs. section 5002) requires that actions not exempt from CEQA and subject to Delta Plan regulations must include applicable feasible mitigation measures consistent with those identified in the Delta Plan Program Environmental Impact Report (PEIR) or substitute mitigation measures that are equally or more effective. The Delta Plan Mitigation and Monitoring Reporting Program is to be used to ensure compliance with the Delta Plan mitigation measures. This document is available at: (http://deltacouncil.ca.gov/sites/default/files/documents/files/Agenda%20Item%206a_attach%2002.pdf)

Best Available Science and Adaptive Management: Delta Plan Policy **G P1** also states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The regulatory definition of “best available science” is provided in Appendix 1A of the Delta Plan (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201A.pdf>).

Delta Plan Policy **G P1** also requires that ecosystem restoration and water management covered actions include adequate provisions for continued implementation of adaptive management, appropriate to the scope of the action. This requirement is satisfied through A) the development of an adaptive management plan that is consistent with the framework

described in Appendix 1B of the Delta Plan (<http://deltacouncil.ca.gov/sites/default/files/2015/09/Appendix%201B.pdf>) and B) documentation of adequate resources to implement the proposed adaptive management plan.

The Delta Science Program's Adaptive Management liaisons are available to provide further consultation and guidance to help with the appropriate application of best available science and adaptive management. Please contact Maggie Christman (Maggie.Christman@deltacouncil.ca.gov) of the Delta Science Program.

Invasive Species: Delta Plan Policy **ER P5** (23 Cal. Code Regs. section 5009) calls for avoiding introductions and habitat improvements for invasive nonnative species or mitigating these potential impacts in a manner that appropriately protects the ecosystem. Analysis on this matter should address both nonnative wildlife species as well as terrestrial and aquatic weeds. To the maximum extent practicable, actions should avoid or minimize effects that would lead to the establishment of nonnative invasive species populations on site before relying upon mitigation measures. In the event that mitigation is warranted, for example with the mechanical harvesting control methods that may create plant fragments and potentially spread invasive plant species, such events would need to be mitigated and minimized equally or more effectively in line with Delta Plan Mitigation Measure 4-1.

Hydrology: Delta Plan Policy **RR P3** (23 Cal. Code Regs. section 5014) restricts encroachment in floodways, and Policy **RR P4** (23 Cal. Code Regs. section 5015) restricts encroachments in floodplains, including the Yolo Bypass, Cosumnes River Confluence, and the Lower San Joaquin River Floodplain Bypass area. Policy **RR P4** states that "no encroachment shall be allowed or constructed unless it can be demonstrated by appropriate analysis that the encroachment will not have a significant impact on floodplain values and functions." The Draft PEIR includes a list of physical and control methods used to manage aquatic invasive plants, it would be helpful to acknowledge that such methods will not impede the free flow of water in the floodway, jeopardize public safety, adversely impact floodplain values and functions.

Delta Plan Recommendations

The Delta Plan contains 74 recommendations, which we encourage project proponents to consider as they design and implement their projects and programs. Although these recommendations are non-regulatory in nature, progress towards their implementation will help with achieving the coequal goals in a manner that protects and enhances the unique values of the Delta.

Protect Beneficial Uses: Delta Plan Recommendation **WQ R1** calls for maintaining water quality in the Delta at a level that supports, enhances, and protects beneficial uses identified in the applicable State Water Resources Control Board or regional water quality control board water quality control plans.

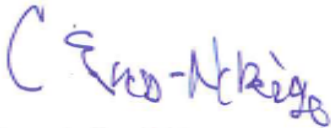
Edward Hard, Chief Environmental Program Manager I
California Department of Parks and Recreation
December 11, 2017
Page 5

Special Water Quality Protections: Delta Plan Recommendation **WQ R3** says where new or increased discharges of pollutants could adversely impact beneficial uses, should provide special water quality protections evaluated by the State Water Resources Control Board.

Closing Comments

The Council is supportive of the AIPCP and its efforts to effectively manage aquatic invasive plants. We look forward to continued coordination with as you ensure the consistency of the AIPCP with the Delta Plan. I encourage you to contact my staff Ron Melcer (Ronald.Melcer@deltacouncil.ca.gov) or Megan Brooks (Megan.Brooks@deltacouncil.ca.gov) with your questions, comments, or concerns.

Sincerely,



Cassandra Enos-Nobriga
Deputy Executive Officer
Delta Stewardship Council